IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 5156 of 2001
With
CIVIL APPLICATION NO. 12810 OF 2001

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA
and
Hon'ble MR.JUSTICE N.G.NANDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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AHMEDABAD MUNICIPAL CORP.

Versus

PANKAJBHAI SHANTILAL DALAL

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Appearance:
1. First Appeal No. 5156 of 2001
MR PS PATEL for Petitioner No. 1
RULE UNSERVED for Respondent No. 1

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CORAM : MR.JUSTICE B.J.SHETHNA
and
MR.JUSTICE N.G.NANDI

Date of decision: 24/01/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE B.J.SHETHNA)

1. Heard learned counsel Shri. P.S. Patel for appellant Corporation.

2. Against the impugned judgment & order dated 11-3-1999 passed by Learned Chief Judge, Small Causes Court, Ahmedabad in M.V. Appeal No. 92 of 1995 appellant Corporation has filed this appeal.

3. For the assessment year 1993-94 the appellant Corporation fixed G.R.V. at the rate of Rs.38,354/- for the premises in question of the ownership of the respondent, on the basis that, it was let out to one Govindlal Bhulani. In appeal, affidavit exhibit. 11/5 was filed by Govindlal Bhulani stating that because of the friendship he was given the premises for his residential purpose for a period of about five months. The statement made on oath by Govindlal Bhulani was not disputed at all by the Corporation. Once the Small Causes Court came to the conclusion that the premises in question was not let out to said Govindlal Bhulani as tenant, then, it was to be assessed as self-occupying. Certificate issued by Roshni Shopping Centre And Flat Owners Association shows that the total value of the premises is Rs.1,31,000/- and on the basis of self-occupancy if Learned Judge fixe it at Rs.9100/- per year on the return of 7 %, then, it cannot be said that Learned Judge was wrong in any way in coming to that conclusion.

4. In view of the above discussions, we do not find any reason for interference in this appeal. According the appeal is dismissed. In view of the appeal being dismissed, no order in Civil Application No. 12810 of 2001, and it is accordingly dismissed. No order as to costs.

Dt: 24-1-2002 ( B.J. Shethna, J )

(N.G. Nandi, J )